

Message Text

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ACTION IO-13

INFO OCT-01 IOE-00 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

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INR-07 NSAE-00 EB-07 COME-00 TRSE-00 SIL-01 LAB-04

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FM AMEMBASSY VIENNA

TO SECSTATE WASHDC PRIORITY 9065

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TAGS: UNIDO, AORG, PORG, OCON, EIND, EAID

SUBJECT: THIRD SESSION INTERGOVERNMENTAL COMMITTEE TO DRAFT UNIDO
CONSTITUTION (IGC-III): ORGANS AND BUDGET

REF: A(A) VIENNA 5619, (B) VIENNA 5560

1. AS COUNTER TO FORMULATIONS SUGGESTED BY G-77 REPORTED
REFTEL A, GROUP B DECIDED JULY 7 LIKewise TO CIRCULATE
FORMULATIONS WITH REGARD TO THE ORGANS OF UNIDO, RESOURCES
AND EXPENDITURES, PROCEDURE FOR CONSIDERATION AND
APPROVAL OF THE REGULAR BUDGET AND ASSESSMENTS. GENERAL
VIEW IN GROUP B WAS THAT AS COMPLETE A PICTURE AS POSSIBLE
OF WHAT THE CENTRAL PACKAGE SHOULD LOOK LIKE WOULD BE
THE MOST USEFUL COUNTER TO G-77 PROPOSALS. ALTHOUGH
MUCH OF LANGUAGE DRAWS HEAVILY ON THE GROUP B DRAFT
CIRCULATED AT IGC-I, EXERCISE TOOK SEVERAL HOURS BECAUSE
OF DIFFERENCES OF OPINION WITHIN THE GROUP ON VARIOUS
ASPECTS OF THE PACKAGE. SHARPEST DIFFERENCE, AS HAS
BEEN THE CASE OVER THE LAST WEEK WAS EVIDENT WITH
RESPECT TO ARTICLE 10 BIS WHERE VIEWS OF USDEL
AND OTHER GROUP B MEMBERS DIVERGED. WITH FRG
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UNABLE TO COME UP WITH REVISION OF ARTICLE 10 BIS

(REF B, PARA 3), SWEDES AND FRENCH PROPOSED REVISION OF ARTICLE 10 BIS DESIGNED TO CONVEY TWO IDEAS (A) THAT THE LANGUAGE OF ART. 10 BIS NOT EXPLICITLY PROHIBIT INCLUSION OF OVERHEADS IN REGULAR BUDGET, (B) THAT AN ARRANGEMENT MIGHT BE WORKED OUT UNDER WHICH A PORTION OF THE REGULAR PROGRAM MONIES WHICH WOULD CONTINUE TO BE APPROPRIATED UNDER CHAPTER 15 OF THE UN REGULAR BUDGET WOULD CONTINUE TO BE USED IN THE FIELD OF INDUSTRY. ALTHOUGH THE APPROPRIATION WOULD CONTINUE TO BE MADE TO THE UN, THE LATTER WOULD LOOK TO UNIDO TO BE ITS EXECUTING AGENCY FOR INDUSTRIAL PROJECTS (E.G. TRAINING COURSES). THE RELATIONSHIP WOULD BE ANALOGOUS TO THAT EXISTING BETWEEN UNIDO AND UNDP. THIS APPROACH OBTAINED SUPPORT OF ALL GROUP B COUNTRIES (WHO FELT IT WAS PREFERABLE TO MAKING EXPLICIT CONSTITUTIONAL PROVISION FOR FINANCING TA ACTIVITIES FROM ASSESSMENTS) EXCEPT THE U.S. AFTER LENGTHLY DISCUSSION JULY 8 GROUP DECIDED TO INCORPORATE IT INTO ITS GENERAL SKETCH OF BUDGETARY ARRANGEMENTS. WITH USDEL REFUSING TO ASSOCIATE ITSELF WITH THE SUGGESTED APPROACH, GROUP B DECIDED TO COVER THE PACKAGE PROPOSAL WITH THE STATEMENT QUOTE THIS PAPER REPRESENTS THE THINKING OF A MAJORITY WITHIN GROUP B AT THIS STAGE. THE MAJORITY IS NOT NECESSARILY ON ALL POINTS COMPOSED OF THE SAME COUNTRIES. IT IS EMPHASIZED THAT THE VARIOUS ELEMENTS IN THE PAPER ARE INTER-CONNECTED: THEY ARE PUT FORWARD TO BE CONSIDERED AS A WHOLE. UNQUOTE.

2. TEXT OF GROUP B SUGGESTIONS FOLLOW:

CHAPTER III, ORGANS

ARTICLE 6

1. THE PRINCIPAL ORGANS OF THE ORGANIZATION SHALL BE:

(A) THE GENERAL CONFERENCE (HEREIN CALLED THE "CONFERENCE");
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(B) THE INDUSTRIAL DEVELOPMENT BOARD (HEREIN CALLED THE "BOARD");
(C) THE PROGRAMME AND BUDGET COMMITTEE (HEREIN CALLED THE "COMMITTEE"); AND
(D) THE SECRETARIAT.

2. SUBSIDIARY ORGANS MAY BE ESTABLISHED BY THE CONFERENCE OR THE BOARD.

ARTICLE 7

THE CONFERENCE

1. THE CONFERENCE SHALLL CONSIST OF REPRESENTATIVES OF ALL MEMBERS. OBSERVERS MAY PARTICIPATE IN ACCORDANCE WITH THE PROVISION OF THIS CONSTIUTION AND THE RULES OF PROCEDURE OF THE CONFERENCE.

2. THE CONFERENCE SHALL MEET IN REGULAR SESSION EVERY TWO YEARS. IT SHALL ALSO MEET IN SUCH SPECIAL SESSIONS AS MAY BE CONVENED BY THE DIRECTOR-GENERAL AT THE REQUEST OF THE BOARD OR OF AT LEAST ONE THIRD OF THE MEMBERS OF THE ORGANIZATION.

3. IN ADDITION TO EXERCISING OTHER FUCNTIONS SPECIFIED IN THIS CONSTITUTION, THE CONFERENCE SHALL;

(A) DETERMINE THE GUIDING PRINCIPLES AND POLICIES OF THE ORGANIZATION;

(B) CONSIDER REPORTS OF THE BOARD, OF THE COMMITTEE AND OF THE DIRECTOR-GENERAL AND GIVE DIRECTIVES TO THEM IN REGARD TO MATTERS UPON WHICH ACTION MAY BE DEEMED DESIRABLE;

(B) BIS. APPROVE BUDGET OF THE ORGANIZATION IN ACCORDANCE WITH ARTICLE II; ESTABLISH THE SCALE OF ASSESSMENTS AND ADOPT THE FINANCIAL REGULATIONS OF THE ORGANIZATION,

(C) HAVE THE AUTHORITY TO ADOPT CONVENTIONS OR AGREEMENTS WITH RESPECT TO ANY MATTER WITHIN THE COMPETENCE OF THE ORGANIZATION. A TWO-THIRDS VOTE OF THE CONFERENCE SHALL BE REQUIRED FOR THE ADOPTION OF SUCH CONVENTIONS OR AGREEMENTS WHICH SHALL LIMITED OFFICIAL USE

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COME INTOFORCE FOR EACH MEMBER WHEN ACCEPTED IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESS;

(C) BIS. APPROVE AGREEMENTS WITH THE UNITED NATIONS IN ACCORDANCE WITH ARTICLE 63 OF THE UNITED NATIONS CHARTER;

(D) MAKE RECOMMENDATIONS TO MEMBERS AND TO INTERNATIONAL ORGANIZATIONS WITH RESPECT TO MATTERS WITHIN THE COMPETENCE OF THE ORGANIZATION, INCLUDING GUIDELINES FOR THE COOPERATION OF THE ORGANIZATION WITH OTHER ORGANIZATIONS;

(E) TAKE ANY OTHER APPROPRIATE ACTION TO FURTHER THE OBJECTIVES OF THE ORGANIZATION.

4. THE CONFERENCE MAY DELEGATE TO THE BOARD OR TO THE COMMITTEE SUCH OF ITS POWERS AND FUNCTIONS AS IT

MAY CONSIDER DESIRABLE, EXCEPTING THOSE UNDER SUB-PARAGRAPHS 3(A), 3(B), 3(B) BIS, 3(C), 3(C) BIS, ABOVE AND ARTICLE 3(2), ARTICLE 8(1), AND ARTICLE 9(2).

5. THE CONFERENCE SHALL ADOPT ITS OWN RULES OF PROCEDURE.

6. EACH MEMBER SHALL HAVE ONE VOTE IN THE CONFERENCE. DECISIONS SHALL BE MADE BY A SIMPLE MAJORITY OF THOSE MEMBERS PRESENT AND VOTING, UNLESS OTHERWISE SPECIFIED IN THIS CONSTITUTION OR IN THE RULES OF PROCEDURE OF THE CONFERENCE.

ARTICLE 8

INDUSTRIAL DEVELOPMENT BOARD

1. THE BOARD SHALL CONSIST OF FIFTY MEMBERS OF THE ORGANIZATION ELECTED BY THE CONFERENCE. IN ELECTING THE MEMBERS OF THE BOARD THE CONFERENCE SHALL OBSERVE THE FOLLOWING DISTRIBUTION OF SEATS; THIRTY MEMBERS OF THE BOARD SHALL BE ELECTED FROM THE STATES LISTED IN PARTS A AND C, FIFTEEN FROM THE STATES LISTED IN PART A AND C, FIFTEEN FROM THE STATES LISTED IN PART B, AND FIVE FROM THE STATES LISTED IN PARD OF ANNEX...TO THIS CONSTITUTION.
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2. MEMBERS OF THE BOARD SHALL HOLD OFFICE FROM THE CLOSE OF THE SESSION OF THE CONFERENCE AT WHICH THEY WERE ELECTED UNTIL THE CLOSE OF THE REGULAR SESSION OF THE CONFERENCE FOUR YEARS THEREAFTER, EXCEPT THAT THE MEMBERS ELECTED AT THE FIRST SESSION SHALL HOLD OFFICE FROM THE TIME OF SUCH ELECTION AND ONE HALF SHALL HOLD OFFICE ONLY UNTIL THE CLOSE OF THE REGULAR SESSION TWO YEARS THEREAFTER. MEMBERS OF THE BOARD MAY BE RE-ELECTED.

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ACTION IO-13

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3. THE BOARD SHALL HOLD AT LEAST ONE SESSION A YEAR. THE DIRECTOR-GENERAL SHALL CONVENE ADDITIONAL SESSIONS AT THE REQUEST OF AT LEAST ONE-THIRD OF ITS MEMBERS. SESSIONS SHALL BE HELD AT THE SEAT OF THE ORGANIZATION UNLESS OTHERWISE DETERMINED BY THE BOARD.

4. IN ADDITION TO EXERCISING OTHER FUNCTIONS SPECIFIED IN THIS CONSTITUTION (SEE ARTICLE 11 BELOW) OR DELEGATED TO IT BY THE CONFERENCE, THE BOARD SHALL:

- (A) ACTING UNDER THE AUTHORITY OF THE CONFERENCE, REVIEW THE IMPLEMENTATION OF THE APPROVED PROGRAMME OF WORK AND OTHER DECISIONS OF THE CONFERENCE, AND SUPERVISE THE WORK AND GENERAL STRUCTURE OF THE SECRETARIAT;
 - (B) REPORT TO THE CONFERENCE AT EACH REGULAR SESSION ON ALL ACTIVITIES OF THE BOARD AND SUBMIT ADVICE OR PROPOSALS TO THE CONFERENCE ON ITS OWN INITIATIVE;
 - (C) REQUEST MEMBERS TO FURNISH INFORMATION ON THEIR ACTIVITIES RELATED TO THE WORK OF THE ORGANIZATION;
 - (D) IN ACCORDANCE WITH THE DECISIONS OF THE CONFERENCE AND HAVING REGARD TO CIRCUMSTANCES ARISING
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- BETWEEN SESSIONS, AUTHORIZE THE DIRECTOR-GENERAL TO TAKE SUCH MEASURES AS IT DEEMS NECESSARY TO MEET UNFORESEEN EVENTS WITH DUE REGARD TO THE FUNCTIONS AND FINANCIAL RESOURCES OF THE ORGANIZATION;
- (E) IF THE OFFICE OF DIRECTOR-GENERAL BECOMES VACANT BETWEEN SESSIONS OF THE CONFERENCE,

APPOINT AN ACTING DIRECTOR-GENERAL TO SERVE UNTIL
THE NEXT REGULAR OR SPECIAL SESSION OF THE CONFERENCE;
(F) PREPARE THE PROVISIONAL AGENDA FOR THE
CONFERENCE.

5. THE BOARD SHALL ADOPT ITS OWN RULES OF PROCEDURE.

6. EACH MEMBER OF THE BOARD SHALL HAVE ONE VOTE.
DECISIONS SHALL BE MADE BY A SIMPLE MAJORITY OF THOSE
MEMBERS PRESENT AND VOTING UNLESS OTHERWISE
SPECIFIED IN THIS CONSTITUTION OR IN THE RULES OF PROCEDURE
OF THE BOARD.

7. THE BOARD SHALL INVITE ANY MEMBER NOT REPRESENTED
ON THE BOARD TO PARTICIPATE WITHOUT VOTE IN ITS DELIBERATIONS
ON ANY MATTER OF DIRECT CONCERN TO THAT MEMBER.

ARTICLE 8 BIS
PROGRAMME AND BUDGET COMMITTEE

1. THE COMMITTEE SHALL CONSIST OF TWENTY-FIVE
MEMBERS OF THE BOARD ELECTED BY THE BOARD. THIRTEEN
MEMBERS OF THE COMMITTEE SHALL BE ELECTED FROM THE
STATES LISTED IN PARTS A AND C, NONE FROM THE STATES LISTED
IN PART B, AND THREE FROM THE STATES LISTED IN PART D
OF ANNEX.....TO THIS CONSTITUTION.

2. MEMBERS OF THE COMMITTEE SHALL HOLD OFFICE
DURING THE TWO-YEAR PROGRAMME BUDGET PERIOD
FOLLOWING THE SESSION OF THE BOARD AT WHICH THEY
WERE ELECTED. MEMBERS OF THE COMMITTEE MAY BE RE-ELECTED.

3. THE COMMITTEE SHALL HOLD AT LEAST ONE SESSION
A YEAR. ADDITIONAL SESSIONS OF THE COMMITTEE SHALL
BE CONVENED BY THE DIRECTOR-GENERAL AT THE REQUEST
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OF THE BOARD OR UPON DECISION BY THE COMMITTEE ITSELF.
SESSIONS SHALL BE HELD AT THE SEAT OF THE ORGANIZATION.

4. THE COMMITTEE SHALL:

- (A) PERFORM THE FUNCTIONS ASSIGNED TO IT IN
ARTICLE 11;
- (B) PREPARE AND RECOMMEND TO THE BOARD THE SCALE
OF ASSESSMENTS FOR REGULAR BUDGET EXPENDITURES;
- (C) EXERCISE SUCH OTHER FUNCTIONS WITH RESPECT
OF FINANCIAL MATTERS AS MAY BE ASSIGNED TO IT BY THE
CONFERENCE OR THE BOARD;
- (D) REPORT TO THE BOARD AT EACH REGULAR SESSION

ON ALL ACTIVITIES OF THE COMMITTEE AND SUBMIT ADVICE
OR PROPOSALS ON FINANCIAL MATTERS TO THE BOARD ON ITS
OWN INITIATIVE.

5. THE COMMITTEE SHALL ADOPT ITS OWN RULES OF PROCEDURE.

6. EACH MEMBER OF THE COMMITTEE SHALL HAVE ONE VOTE.
DECISIONS SHALL BE MADE BY A TWO-THIRD AFFIRMATIVE VOTE
OF THE MEMBERS OF THE COMMITTEE.

ARTICLE 10 BIS

RESOURCES AND EXPENDITURES

THE EXPENDITURES OF THE ORGANIZATION SHALL BE
DIVIDED INTO THE FOLLOWING TWO CATEGORIES:

(A) EXPENSES FOR ADMINISTRATIVE AND RESEARCH
ACTIVITIES. THESE SHALL INCLUDE STAFF EXPENSES, COSTS
OF MEETINGS, INCLUDING TECHNICAL MEETINGS PROVIDED
FOR IN THE PROGRAMME OF WORK OF THE ORGANIZATION,
RESEARCH ACTIVITIES OTHER THAN THOSE WHICH WOULD
CONSTITUTE TECHNICAL ASSISTANCE TO A MEMBER OR A
LIMITED NUMBER OF MEMBERS OF THE ORGANIZATION, AND
OTHER GENERAL SECRETARIAT EXPENSES. THESE EXPENSES
SHALL BE BORNE BY THE REGULAR BUDGET OF THE ORGANIZATION;
(B) EXPENSES FOR OPERATIONAL ACTIVITIES. THESE
SHALL INCLUDE ALL ACTIVITIES OTHER THAN THOSE PROVIDED FOR
IN SUB-PARAGRAPH (A) ABOVE. THESE EXPENSES SHALL
BE MET FROM VOLUNTARY CONTRIBUTIONS AND FROM THE SHARE
DEVOTED TO UNIDO FOR THE REGULAR PROGRAMME OF TECHNICAL
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ASSISTANCE PROVIDED FOR WITHIN THE BUDGET OF THE UNITED
NATIONS.

ARTICLE 11

CONSIDERATION OF THE REGULAR BUDGET

1. THE DIRECTOR-GENERAL SHALL PREPARE AND SUBMIT
TO THE PROGRAMME AND BUDGET COMMITTEE, AT A TIME
SPECIFIED BY THE BOARD, FOR THE FOLLOWING FISCAL PERIOD,
A DRAFT PROGRAMME OF WORK, TOGETHER WITH THE CORRESPONDING
ESTIMATES FOR THOSE ACTIVITIES TO BE FINANCED FROM
THE REGULAR BUDGET.

THE DIRECTOR-GENERAL SHALL, AT THE SAME
TIME, SUBMIT PROPOSALS AND FINANCIAL ESTIMATES
FOR THOSE ACTIVITIES TO BE FINANCED FROM DIRECT VOLUNTARY
CONTRIBUTIONS (ARTICLE 13).

2. THE PROGRAMME AND BUDGET COMMITTEE SHALL
CONSIDER THE PROPOSALS SUBMITTED TO IT BY THE DIRECTOR-GENERAL
AND SUBMIT ITS RECOMMENDATIONS ON THE DRAFT PROGRAMME OF

WORK AND THE REGULAR BUDGET TO THE BOARD. SUCH RECOMMENDATIONS SHALL REQUIRE A TWO-THIRD AFFIRMATIVE VOTE OF THE MEMBERS OF THE COMMITTEE.

3. THE IDB SHALL, BY A TWO-THIRD AFFIRMATIVE VOTE OF ITS MEMBERS ADOPT THE RECOMMENDATIONS OF THE PROGRAMME AND BUDGET COMMITTEE WITH RESPECT TO THE REGULAR BUDGET AND SUBMIT THESE TO THE CONFERENCE FOR APPROVAL. FAILING SUCH DECISION, THE BOARD SHALL RETURN THE REGULAR BUDGET TO THE PROGRAMME AND BUDGET COMMITTEE FOR RECONSIDERATION IN THE LIGHT OF THE OBSERVATIONS AND RECOMMENDATIONS OF THE BOARD.

4. THE CONFERENCE SHALL APPROVE THE RECOMMENDATIONS OF THE BOARD WITH REGARD TO THE REGULAR BUDGET BY A TWO-THIRD AFFIRMATIVE VOTE OF THE MEMBERS OF THE CONFERENCE, FAILING WHICH THEY SHALL BE RETURNED TO THE BOARD FOR RECONSIDERATION AND RESUBMISSION IN ACCORDANCE WITH PARAGRAPH 3 ABOVE. THE CONFERENCE SHALL THEREUPON PROCEED TO APPROVE THE REGULAR BUDGET.

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ARTICLE 12 ASSESSED CONTRIBUTIONS

1. REGULAR BUDGET EXPENDITURES SHALL BE BORNE BY THE MEMBERS, AS APPORTIONED IN ACCORDANCE WITH SCALES OF ASSESSMENT ADOPTED BY THE CONFERENCE ON THE RECOMMENDATION OF THE BOARD BY A TWO-THIRD AFFIRMATIVE VOTE OF THE MEMBERS OF THE CONFERENCE.

2. THE SCALE OF ASSESSMENTS SHALL BE BASED TO THE EXTENT POSSIBLE ON THAT EMPLOYED BY THE UNITED NATIONS FOR ITS IMMEDIATELY PRECEDING FISCAL PERIOD. NO MEMBER SHALL BE ASSESSED MORE THAN TWENTY-FIVE PERCENT OF THE EXPENSES OF THE ORGANIZATION. END TEXT.

3. GROUP B PAPER CIRCULATED EVENING JULY 8. NEGOTIATING COMMITTEE WILL EXCHANGE VIEWS OF POSITIONS OF THE VARIOUS GROUPS JULY 9 PRIOR TO CONCLUSION IGC-III. STIBRAVY

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